

## REMARKS

This is in response to the Office Action dated December 11, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendments, claims 1-13 are cancelled and replaced with new claims 14-21. Thus, claims 14-21 are currently pending in the present application. Support for new independent claim 14 can be found at least in original claim 1 and paragraph [0062] of the specification as originally filed. Claims 15-16 are supported at least in paragraph [0063] of the specification, and claims 17-21 are supported at least in original claims 2-6.

Initially, it is noted that a Form PTO-1449 dated November 16, 2006 was returned with the previous Office Action. This form also appears in PAIR. However, the form was not filed by Applicants in the present application. The applicant and filing date do not correspond to the present application. Apparently the wrong serial number was indicated on the form.

### 1. Amendment to the Specification and Abstract

The specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the changes made, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

## 2. Objection to Claims 6 and 10-13

Claims 6 and 10-13 are objected to based on minor typographical errors. As noted above, claims 6 and 10-13 have been cancelled. The corresponding new claims have been drafted to avoid the informalities noted by the Examiner.

## 3. Rejection under 35 U.S.C. § 112

On pages 2-3 of the Office Action, claims 3, 4 and 9 are rejected under 35 U.S.C. 112, second paragraph. In response, claims 3, 4 and 9 have been cancelled. Each element recited in the new claims has been provided with proper antecedent basis.

## 4. Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

On page 3-12 of the Office Action, the original claims are rejected over the prior art, with the Examiner particularly relying on Wootton (WO 00/06078). It is submitted that the present invention, as defined in the new claims, now clearly distinguishes over the applied prior art references for the following reasons.

**Wootton** (WO 00/06078) in Figs. 1A and 1B discloses a “prior art” filling device in which a filled prescription is checked by a pharmacist. In the prior art system, once the bottle is filled, a color camera 18 captures an image of the contents of the bottle. The bottle is then closed with a cap A (see page 2, lines 1-4; Fig. 1A). The image Ib, captured by camera 18, is displayed on a video monitor 24 alongside a stored reference image Ir. The monitor is viewed by the pharmacist to verify the contents of the bottle. And once the pharmacist confirms that the bottle is filled with the correct medication, the capped and labeled bottle is made available for delivery to the patient.

In the Wootton apparatus, the medications are automatically verified by using an image processing technique, i.e. the verification function is performed without the need of a human observer (unlike the system shown in Figs. 1A and 1B). With reference to Fig. 11, in Wootton, a color image, taken with camera 18, is passed to a frame grabber 30, where the image is digitized and passed to a general purpose computer 34 programmed to perform the necessary image processing. By the image processing, the contents of the container are recognized, and thereby it can be verified that the container contains pills corresponding to the pills indicated in the prescription. The results of the verification process are passed to controller 16 (Fig. 1A) and then the container is routed to one of three areas (see page 6, lines 14-29). The container is visually inspected by the pharmacist only if the contents of the container cannot be identified.

Thus, in the Wootton apparatus, the contents of the container are verified before the container is stored.

In contrast, in the present invention, the vial is filled with tablets, capped, transported and stored in an empty one of a plurality of take-out ports. Thereafter, when taking out the specified vial from the take-out port, the pharmacist looks at both the prescription and the image displayed in order to verify the contents of the specified vial. In other words, in the present invention, just before actually delivering the vial to a patient or before placing the vial in a medicine bag, the audit of the tablets contained in the vial can be carried out based on the prescription and the image of the interior of the vial taken prior to capping. Thereby the dispensing process is prevented from being interrupted or stopped, and the medicine can be safely delivered to the patient.

In view of the above, it is clear that the automatic Wootton verification apparatus is quite different from the present invention, as defined in claim 14, with respect to the timing and the apparatus for performing the verification of the tablets contained in the vial.

In particular, Wootton does not disclose or suggest the following features of independent claim 14:

(1) a plurality of take-out ports for storing vials that have been filled with tablets and capped;

(2) an indicating unit for indicating the take-out port storing the vial containing the tablets corresponding to the prescription read by the prescription reading unit; and

(3) a displaying unit for displaying on an operation display panel both the prescription data of the prescription and an image of the tablet corresponding to the prescription data of the prescription from the image photographed by the photographing unit and stored in the storing unit when the vial is taken out from the indicated take-out port.

Further, the Ogura, Hamilton, and Rzasa references have been carefully reviewed, and it is submitted that these reference do not disclose or suggest the features that are omitted in the Wootton reference. Thus, any combination of the applied prior art references would not result in Applicants' invention as defined in independent claim 14.

Note, claims 15-21 depend, directly or indirectly, from claim 14, and are therefore allowable at least by virtue of their dependencies.

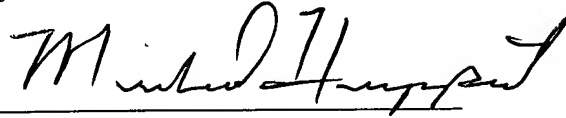
In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "Michael S. Huppert", written over a horizontal line.

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